IN THE HIGH COURT OF UTTARANCHAL AT

NAINITAL

WRIT PETITION NO. 858 (MS) OF 2006

Smt. Kanti Devi, W/o late Amba Dutt, 60,
R/o Village Satauli, Patti Malli Kutauli,
Tehsil & District Nainital,
At present at Village Jaipur, Khim,
Tehsil Haldwani, District-Nainital. .....Petitioner.

Versus

1. The Commissioner Kumaon Region, Nainital.
2. The Assistant Collector/1st Class, S.D.M., Nainital.
3. Sri Daya Kishan,
4. Sri Dharmanand,
5. Mahesh Chanra,

   All Ss/o late Gauri Dutt,

   R/o Village Satauli, Patti Malli Kutauli,

   Tehsil & District-Nainital.

   At present at Village Jaipur, Khim,

   Tehsil Haldwani, District Nainital .....Respondents.

Dated: 06.07.2006

Hon'ble Rajesh Tandon, J.

Heard Sri B.S. Negi, Advocate for the petitioner and Standing Counsel for the respondents no. 1 and 2.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondent no. 1 Commissioner Kumaon Region, Nainital to expedite the Revenue Revision No. 153/2003-04, Smt. Kanti Devi Vs. Daya Kishan & others as early as possible.

Briefly stated, respondents no. 3, 4 and 5 preferred an application under Order 9 Rule 13 C.P.C. in the Court of Assistant Collector-Ist Class for recalling the ex parte proceedings. The Assistant Collector allowed the said application and set aside the ex parte judgment.

The petitioner has moved a revision being Revision No. 153/2003-04, Smt. Kanti Devi Vs. Daya Kishan & others, which is pending before the Commissioner since 6th April, 2004.

A perusal of the order sheet shows that 19th July, 2004 is already fixed in the case, therefore, I am not inclined to interfere under Article 226 of the Constitution of India.

However, the Presiding Officer shall dispose of the revision on the said date or any other date, which is convenient to him.

Subject to the aforesaid, writ petition is dismissed. No order as to costs.

(Rajesh Tandon, J.)

06.07.2006
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